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MT LEGISLATIVE HISTORY

Chapter 641 1983

Bill (H) 299 S _____ Original bill & hist. ___C

H. Committee on Human Services		S. Committee on Public Health, Welfare + Safety	
Hearing Date(s) Feb 02	✓C	Hearing Date(s) Mar 09	✓C
Feb 05	✓C	Mar 19	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C	Mar 09	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

48TH LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 28	1-26	3-2,4	3-4						3-4, as amende
HB 90	2-16	3-2,4	3-4						3-4
HB 96	1-20	2-9, 3-4,18	3-18				3-18		
HB 123	1-28	3-4	3-4				3-4		
HB 128	1-27	3-2,4	3-4				3-4		
HB 181	1-27	3-4	3-4				3-4		
HB 182	2-12	3-9,18	3-18					3-18	
HB 200	2-12	3-14	3-14				3-14		
HB 223	2-1	3-4	3-4				3-4		
HB 248	2-1	3-21	TABLED ON 3-21						
HB 262	2-8	3-2,4	3-4				3-4		
HB 279	2-2	3-23	3-23					3-23	
HB 284	3-3	3-16,21,23	3-23						3-23,as amende
HB 299	2-11	3-7,9	3-9				3-9		
HB 312	3-1	3-23	3-23				3-23		
HB 321	3-1	3-14	3-14					3-14	

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

MARCH 7, 1983

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Monday, March 7, 1983, at 1:00 P.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Jacobson, who was excused. Woody Wright, Staff Attorney, was also present.

Many visitors were also in attendance. See attachments.

CONSIDERATION OF HOUSE BILL 299: Representative Jan Brown, District No. 32, said she introduced HB 299 at the request of the Department of Health and Environmental Sciences. This bill amends the definition of long-term care facility by adding a new definition on page 5 for intermediate developmental disability care. There are only three facilities that would fall under this category in Montana. Intermediate care facility license standards are for older people who need nursing care. That is not appropriate for some, they need standards that are appropriate for the needs of the mentally retarded. Jacqueline McKnight, from the Department of Health and Environmental Sciences, is at the hearing to answer any questions.

There were no opponents.

Chairman Hager asked for questions from the committee.

Senator Himsl asked if somebody could explain what degree of basic care is under this developmental disability care.

Jacqueline McKnight, Department of Health and Environmental Sciences, said in the CFR key points of nursing care is if elderly or handicapped. Developmental disability care would provide psychological, social, physical therapy and occupational care for the patient. The three facilities in the state that are currently providing this care do provide these services for the mentally retarded.

Senator Himsl asked if there was an institution that handled acute developmental disabilities.

Jacqueline McKnight said no, all are at the intermediate.

Senator Hager asked Representative Brown why the language on page 6, lines 20 through 23, relating to hotels, motels and boarding homes, was struck.

Representative Brown said she believed it was just removed to clarify the language. She deferred the question to Mrs. McKnight.

Mrs. McKnight said the amendments were attached by SRS so there would be no confusion as to what facilities this would apply to. The exclusion of that language is concurred with by the Department of Health. We never meant those group homes to be covered.

Representative Brown told Senator Hager that she had not asked anyone to carry this bill on the Senate floor if it was concurred in.

Senator Hager said he would handle that.

CONSIDERATION OF HOUSE BILL 322: Representative Metcalf, District #31, presented this bill to the committee. Under current law local governments may establish an emergency ambulance service and may levy 1 mill in order to pay for this service. HB 322 expands that so that local governments can provide an emergency medical service program. They would use the same 1 mill levy to pay for that. Drew Dawson, from the Department of Health and Environmental Sciences, is here today and will explain the need for the bill.

Drew Dawson, Chief of Emergency Medical Service Bureau, Department of Health, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 1.

Wilma Vinten, REMTA, a member of the Meagher County Volunteer Ambulance Crew, rose in support of this bill. A copy of her testimony is attached as Exhibit 2.

Bill Leary, President, Montana Hospital Association, said that they did not speak in the House Committee relative to this bill. We had some concerns with the bill but they have been addressed in the amendments on page 2. We are satisfied with this bill and would urge concurrence of HB 322.

There were no opponents.

Chairman Hager asked for questions from the committee.

Senator Marbut referred to page 2, line 13 "if the governing body receives a petition" and asked what the point was.

Mr. Dawson said there are two ways you can do it, without a petition and with a petition. The bill basically says if they receive a petition they have to make a decision within 6 months whether or not to oppose an EMS system. The way that it is now worded it has been interpreted as requiring a petition if they want to establish an EMS and this would allow the county commissioners flexibility.

Chad Smith said the House committee asked the same question and made the amendment on page 1, line 19, to take care of that. That was the intention of the committee in making the amendment to the bill, to address all building codes.

Senator Marbut asked if he was satisfied with that.

Mr. Smith said I think so. He believes subsection 1 on line 14, "health care facilities", should cover it.

Senator Marbut asked why they have the word "corridor" after "closing" in the title on line 7.

Mr. Smith said what the bill is addressing is the corridor door into the patient's room. What you are suggesting is to take that word out so it would read "automatic closing doors to patient rooms". He does not feel that wording is a problem and would suggest leaving it the way it is.

Senator Marbut referred to the wording at the bottom of page 1, "patient rooms does not apply to health care facilities as defined in 50-5-101." He asked if hospitals are defined separately from health care facilities.

Woody Wright referred to the code and showed Senator Marbut that they are defined separately.

Representative Phillips closed by stating this was a good hearing and he felt the testimony justified not requiring the self-closing doors. He urged that the committee concur with the bill. Senator Christiaens will carry the bill on the floor.

DISPOSITION OF HOUSE BILL 299: Senator Tom Hager asked Senator Norman if he could remember if this came out of the SJR 34 study.

Senator Norman was not sure.

Rose Skoog said this bill did not come out of the SJR 34 study. The Health Department is trying to define intermediate care for the developmental disability patient. This would provide one more level of long term care. They wanted to add one more definition. The SRS amendment was to clarify the facilities that would apply under this.

Senator Himsl asked if they wanted intermediate care to come under the long term care program.

Ms. Skoog said they want to have a separate definition so the Health Department can set up specific standards dealing with the DD patients as opposed to just intermediate care.

There were several questions from the committee members with regard to the SRS patient and reasons for the definition.

Ms. Skoog explained by stating what this is doing is putting a definition in the statute for the DD level and they will then define it by rules and any facility that meets that set of standards will be able to accept that kind of patient. If they do not meet the standards they will not be able to. This is simply putting into statute what is already being done. They are licensing ICF MR and authorizing rule making. What would be required if you take that patient. It is not a matter of adding additional nursing staff or changing your building codes. It is a matter of offering specialized staff or programs to deal with the MR or DD patient.

Chairman Hager closed the discussion on this bill.

CONSIDERATION OF HOUSE BILL 322: Chairman Hager appointed a subcommittee to look into this bill. The chairman of the committee will be Senator Marbut and the other two members are Senator Norman and Senator Hager.

DISPOSITION OF HOUSE BILL 361:

Senator Marbut made a motion that HB 361 be concurred in. The motion passed unanimously with the members present. Senator Christiaens will carry the bill.

ADJOURNMENT: There being no further business the meeting adjourned at 2:27 P.M.

CHAIRMAN, TOM HAGER

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ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3-7-83

NAME	PRESENT	ABSENT	EXCUSED
SENATOR TOM HAGER	✓		
SENATOR REED MARBUT	✓		
SENATOR MATT HIMSL	✓		
SENATOR STAN STEPHENS	✓		
SENATOR CHRIS CHRISTIAENS	✓		
SENATOR JUDY JACOBSON			✓
SENATOR BILL NORMAN	✓		

SENATE Public Health COMMITTEE

BILL ~~HB 361~~ VISITORS' REGISTER DATE 3-2-93

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
William Leahy	Montana Hospital Assn.	HB 361	✓	
William Leahy	Montana Hospital Assn.	HB 392	✓	
Roger Ritter	Montana Nurses Assn.	HB 361	✓	
[illegible]	Montana Chiropractic Assn.	HB 361	✓	
Lilly Fay	Montana Association of Hyp. Engineering	HB 361	✓	
Bill Campbell	St Patrick Hospital	HB 361	✓	
Leo Weis	Mt. Std. Dept. Health	HB 361	✓	
Jacqueline McKnight	" " " "	HB 361	✓	
Jim KEMBEL	Building Codes Division Dept. of Admin	HB 361		In formation
Jane Karas	St Peters Hospital Helena	HB 361	✓	
Jacqueline McKnight	Dept. of Health	HB 299	✓	
Ellie Parker	"	HB 299	✓	
Chad Smith	Mont Hospital	HB 361	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

A motion was made by Senator Marbut that the bill be amended on page 2, line 3, Motion carried. See Roll Call Vote Sheet.

DISPOSITION OF HOUSE BILL 299:

Senator Norman asked if there is adverse relation between this bill and SJR 34 of last session. This is not the case.

A motion was made by Senator Christiaens that House Bill 299 Be Concurred In. Motion carried. Senator Norman stated that he would carry this bill on the floor of the Senate.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Friday, March 11, 1983 in Room 410 of the State Capitol Building to consider House Bills 337,420, and 604.

ADJOURN: With no further business the meeting was adjourned.

CHAIRMAN TOM HAGER

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ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/9/83

NAME	PRESENT	ABSENT	EXCUSED
SENATOR TOM HAGER	✓		
SENATOR REED MARBUT	✓		
SENATOR MATT HIMSL	✓		
SENATOR STAN STEPHENS	✓		
SENATOR CHRIS CHRISTIAENS	✓		
SENATOR JUDY JACOBSON	✓		
SENATOR BILL NORMAN	✓		

MARCH 9, 19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE Bill No. 299

J. BROWN (NORMAN)

Respectfully report as follows: That HOUSE Bill No. 299

~~XXXXXX~~ BE CONCURRED IN

SENATOR TOM HAGER Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

HUMAN SERVICES COMMITTEE

48th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Ou
HB 284	TO PROVIDE FOR THE MANDATORY LICENSING AND REGULATION OF MASTERS OF SOCIAL WORK; CREATING A STATE BOARD OF MASTERS OF SOCIAL WORK; CREATING A COMMUNICATIONS PRIVILEGE; ET AL	1-18	Winslow	2- 2	DO PASS AS AMENDED	2-11
HB 299	REVISING AND CLARIFYING DEFINITION OF LONG-TERM CARE FACILITY; ADDING A DEFINITION OF INTERMEDIATE DEVELOPMENTAL DISABILITY CARE	1-18	J. Brown	2- 2	DO PASS AS AMENDED In 2- 4 Out 2- 5	2-2
HB 312	GIVING THE DEPT. INST. THE AUTHORITY TO PREPARE A COMPREHENSIVE LONG-TERM STATE CHEMICAL DEPENDENCY PLAN TO BE UPDATED EACH BIENNIUM; COUNTIES PREPARE PLAN EVERY 4 YEARS, ET AL	1-18	Hart	2-11	DO PASS	2-16
HB 313	TO GENERALLY REVISE LAWS RELATING TO OFFICE OF STATE COORDINATOR OF INDIAN AFFAIRS	1-18	Addy	2- 4	DO PASS AS AMENDED	2-5
HB 321	TO PROHIBIT HEALTH SERVICE CORPORATION MEMBERSHIP PLANS FROM DISALLOWING PAYMENT TO A DENTIST FOR CARE OR SERVICES USUALLY PERFORMED BY A PHYSICIAN IF DENTIST IS LICENSED TO PERF	1-18	Seifert	2-14	DO PASS AS AMENDED	2-16
HB 322	AUTHORIZING COUNTY, CITY OR TOWN TO ESTABLISH EMERGENCY MEDICAL SERVICES PROGRAM; GEN. REVISING AND CLARIFYING PROCEDURE FOR ESTABLISHING EMERGENCY MED. SERV. PROGRAM	1-18	Metcalf	2- 9	DO PASS AS AMENDED	2- 9

Form CS-32
1-79

REP. FABREGA asked if the Committee might have the report of an inspection to understand what they do--where they spend their time and what is accomplished in an inspection. He would like to have Ms. McKnight come back and answer questions to make sure they are addressing the concerns that are addressed in the bill. She agreed to be available for Executive Session.

CHAIRMAN HART closed the hearing on HOUSE BILL 328.

HOUSE BILL 299. REP. JAN BROWN, sponsor, passed out amendments to this bill along with a Statement of Intent (EXHIBITS 22 and 23). She stated this bill will enable the Department of Health and Environmental Sciences to establish a special licensure category for facilities that provide nursing and habitation services to the developmentally disabled. This bill will enable the Department of Health and Environmental Sciences to hold these facilities to standards that are tailored to these types of facilities. Licensing provides standards for intermediate care facilities that are aimed at services for older people who need nursing care. They are inappropriate for intermediate developmentally disabled. They need standards that are geared toward care of the mentally retarded. The department intends to adopt the licensing standards for these facilities from federal standards for intermediate care facilities for the mentally retarded.

PROPONENTS: None

OPPONENTS: None

QUESTIONS:

REP. DOZIER to JACQUELINE McKNIGHT: What is the purpose of this bill.
JACQUELING McKNIGHT: We need to have a special name for intermediate developmentally disabled.

REP. WINSLOW: What facilities are we talking about.
JACQUELINE McKNIGHT: We are talking about Boulder, Eastmont and an intermediate retardation facility in Ronan.

REP. CONNELLY: Would this include a place like Friendship House in Kalispell.
JACQUELINE McKNIGHT: Not unless thay are providing care for the developmentally disabled.

REP. SWIFT: Would this cover eight or ten developmentally disabled that have a home in a residential area.
JACQUELINE McKNIGHT: No. The ones we are dealing with have expressed to be certified to receive Medicaid dollars providing IMR service.

REP. WINSLOW: In order for them to get Medicaid reimbursement, do they have to pass this inspection rather than the inspections they are getting at the present time.
JACQUELINE McKNIGHT: It is the same inspection. We just don't have a title for the types of these facilities. Instead of licensing them as ICF, we will be licensing them as IUD.

REP. WINSLOW: Will we get Medicaid, whereas now we are not getting Medicaid.
JACQUELING McKNIGHT: Those that we are dealing with are certified. Part of the licensing requirement are the federal commissions of participation for developmentally disabled.

REP. WINSLOW: Are we getting Medicaid for patients in Boulder.
JACQUELINE McKNIGHT: Yes

REP. BRAND: Does the federal government change its criteria and is it forcing you to change.
JACQUELINE McKNIGHT: No. We see it as a housekeeping bill where licensing now is intermediate care facilities.

REP. BRAND: Is everyone under the program now.
JACQUELINE McKNIGHT: Yes.

REP. BRAND: What is this going to do.
JACQUELINE McKNIGHT: It will change what is on their licenses.

REP. HANSEN to JACQUELINE McKNIGHT: With your amendment, you intend to exclude "adult foster care center". Would it be just intermediate.
JACQUELINE McKNIGHT: That is right.

CHAIRMAN HART closed the hearing on HOUSE BILL 299.

HOUSE BILL 266. REP. CONNELLY, sponsor.

CHAIRMAN HART stated that she was asked to bring this bill back to Committee becuse some people felt that the Statement of Intent should be included as part of the bill.

REP. DOZIER: Apparently, one or two of the attorneys in the House said that some of the requirements should be statutory and not in the rulemaking area.

REP. KEYSER: Moved we accept HOUSE BILL 266 back into Committee. The motion passed unanimously.

EXECUTIVE SESSION:

HOUSE BILL 299. REP. JAN BROWN, sponsor. This bill clarifies definition of long-term care facility; adding a definition of intermediate developmental disability care.

REP. SEIFERT moved HOUSE BILL 299 DO PASS.

REP. KEYSER moved amendments to HOUSE BILL 299 be adopted. The motion passed unanimously. (EXHIBIT 20)

REP. KEYSER moved HOUSE BILL 299 DO PASS AS AMENDED. The motion carried unanimously.

HOUSE BILL 269. Needs discussion.

HOUSE BILL 262. REP. SCHYE, sponsor. This bill conforms the definition of developmentally-disabled for treatment purposes to that for purposes of community-based programs and residential facilities.

REP. WINSLOW moved HOUSE BILL 262 DO PASS. The motion passed unanimously.

HOUSE BILL 182. REP. WINSLOW, sponsor, stated that an amendment is being worked on regarding continuing education which would not be implemented until after June 1985.

REP. FABREGA moved that this amendment be accepted. It was carried unanimously.

REP. KEYSER moved HOUSE BILL 182 DO PASS AS AMENDED. It was carried with REP. BRAND voting no.

The meeting adjourned at 2:50 p.m.

Marjorie Hart
CHAIRMAN MARJORIE HART

Geri Brandt
Secretary

AMENDMENTS REQUESTED BY THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES:

1. Page 5, line 21.
Following: "include"
Insert: "adult foster care licensed under 53-5-303; community homes for the developmentally disabled licensed under 53-20-305; boarding or foster homes for children licensed under 41-3-503; or"

2. Page 6, line 10.
Following: "disabled"
Insert: ", as defined in 53-20-102(4),"

VISITORS' REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE BILL 299 Date 2-2-83

SPONSOR REP. J. BROWN

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
David B Lackman	1406 W. NNE Ave Helena	Lobbyist MT Pub. Hlth Assn.	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-33
1-81

REP. FABREGA: We cannot put into law something they are not trained to do.
Question: The Motion that HOUSE BILL 404 DO NOT PASS carried with Rep. Keyser and Rep. Solberg voting no and Rep. Hansen abstaining.

HOUSE BILL 209

REP. KEYSER: I move DO PASS HOUSE BILL 209.
REP. DOZIER: I move a substitute motion DO NOT PASS HOUSE BILL 209.
REP. KEYSER: The reason this bill was brought here is there has been harrassment. The Board of Morticians wants licensed people up front as well as in the back. It's not too much for the board to give a copy of the complaint against a person. As far as continuing education, you cannot require it if he has been in the business 20 years or more or is 65 years and not practicing full time. Mortician science has not changed that much in the last 20 years. It seems logical to me that any new process coming along would be known about by them. We need to protect the boards.
REP. FABREGA: By bringing these bills to the committee, we have given a warning to the Board of Morticians that they should change their ways. I hope the board takes into account that if in two years this isn't cleared up, then I will vote with Mr. Keyser to do what he is doing today.
REP. BRAND: I feel strongly about continuing education. There have been breakthroughs in that field as well. I think if you are in business you have to stay current.
REP. FARRIS: These boards do have the authority to regulate personal livelihood. If we don't address the question of their power, maybe they will be out of business. We, the legislature, should put all the people who are on boards on notice that we are questioning them.
David Boyer: Those boards are all sunsetted every six years.
Question:
The motion that HOUSE BILL 209 DO NOT PASS carried 16 to 1, with Rep. Keyser voting no.

HOUSE BILL 252

REP. FABREGA: I don't believe boards should to what they please. Even if we pass this bill and they adopt rules, they cannot put it back in. By repealing the rules, they would have to start at the beginning.
REP. DOZIER: We cannot leave a gap in the rules and regulations. If we want to get rid of one rule, we would have to do away with all of the rules. There is no repealer.
REP. FABREGA moved DO NOT PASS HOUSE BILL 252.
Question: The motion carried 15 to 2, with Rep. Brand and Rep. Keyser voting no.

HOUSE BILL 299

REP. BROWN moved DO PASS AS AMENDED HOUSE BILL 299.

February 5 19 83

MR. SPEAKER:

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 299, FIRST READING COPY (WHITE) ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL 299

A statement of intent is necessary for House Bill 299 because it grants the Department of Health and Environmental Sciences the authority to adopt, by rule, specific licensing standards for facilities providing nursing care, as well as other services, to the developmentally disabled.

It is the intent of the Legislature that the standards adopted for such facilities be substantially the same as those federal standards contained in 42 Code of Federal Regulations Part 442, Subpart G, "Standards for Intermediate Care Facilities for the Mentally Retarded." Those standards include necessary administrative policies and procedures; admission and release criteria; personnel policies; resident living standards; requirements for professional and special programs and services; dental service requirements; necessary administrative services; safety and sanitation requirements; required record-keeping; and requirements for services in the following areas: training and habilitation, food and nutrition, medical services, nursing, pharmacy, physical and occupational therapy, psychological services, recreation, social services, speech pathology, and audiology.

MARJORIE HART Chairman.

STATE PUB. CO.
Helena, Mont.

REP. BROWN moved DO PASS the Statement of Intent.
Question: Motion carried unanimously.

HOUSE BILL 313

REP. FABREGA moved DO PASS AS AMENDED HOUSE BILL 313.
REP. FABREGA moved the amendment. (Exhibit #2)
Question: The amendment carried unanimously.
Question: The motion that HOUSE BILL 313 DO PASS AS AMENDED carried unanimously.

HOUSE BILL 266

REP. CONNELLY said she included amendments in the bill and has written a statement of intent for the bill.
REP. CONNELLY moved the amendments.
Question: Motion carried unanimously.
REP. CONNELLY moved the statement of intent.
Question: Motion carried unanimously.
REP. CONNELLY moved HOUSE BILL 266 DO PASS AS AMENDED.
Question: Motion carried unanimously.

The meeting adjourned at 9:00 a.m.

MARJORIE HART, CHAIRMAN

Linda Palmer

Linda Palmer, Secretary

STATEMENT OF INTENT
HOUSE BILL 299
48th LEGISLATURE

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